

CITY OF HASTINGS, NEBRASKA
MINUTES OF PLANNING COMMISSION
Monday, May 15, 2017

Pursuant to due call and notice thereof, a meeting of the Hastings Planning Commission was conducted in the City Building, 220 North Hastings Avenue, City Council Chambers, Hastings, Nebraska, on May 15, 2017.

The meeting was called to order at 4:00 p.m. in Regular Session by Chair Napier with the following members present: Keith Napier, Chuck Rosenberg, Lou Kully, Jodi Graves, Gavin Raitt, Dale Hamburger, Dave Johnson, Rakesh Srivastava. Absent: Marshall Gaines.

Chair Napier led the group in recital of the Pledge of Allegiance.

Moved by Lou Kully, seconded by Jodi Graves, to adopt the current agenda. Roll Call: Ayes: Keith Napier, Chuck Rosenberg, Dale Hamburger, Lou Kully, Dave Johnson, Gavin Raitt, Jodi Graves, Rakesh Srivastava. Nays: None. The motion carried.

Chair Napier read the Public Notice – Official Notice of the Regular Meeting was published in the Hastings Tribune on Friday, May 12, 2017. Pursuant to the Nebraska Revised Statute Section 84-1412, the public is advised that a copy of today's agenda and all reproducible written material which will be discussed at today's meeting is located at the back of the Council Chambers. Also, a current copy of the Nebraska Open Meetings Act is posted on the south wall of the Council Chambers which is accessible to members of the public.

Moved by Chuck Rosenberg, seconded by Dale Hamburger, to approve the Minutes of the April 17, 2017, meeting. Roll Call: Ayes: Keith Napier, Chuck Rosenberg, Dale Hamburger, Lou Kully, Dave Johnson, Gavin Raitt, Jodi Graves, Rakesh Srivastava. Nays: None. The motion carried.

7. Special Order of Business

a. Request a Motion to Proceed with a city-initiated rezone from "I-1 Light Industrial" to a more appropriate zoning district for the subject properties referred herein, commonly referred to as the "2nd Street West Sector."

Chair Napier stated the Commission has discussed ways to address the issues that arise when the use of a property does not match the zoning or is not an allowed use for which it is zoned. Staff has a good approach to this issue.

Don Threewitt stated, under the direction of the Commission and Mayor Stutte, staff has looked at a city-initiated corrective zoning. This contains 102 parcels on West Second Street from Burlington Avenue to Laird Avenue. There are a few parcels on the south side as well. This rezone addresses the problems property owners have endured selling properties or filing an insurance claim because their property is zoned light industrial, but used as residential, they cannot until they rezone. This is addressing those issues on a larger scale instead of individually. An owner initiated rezone costs \$350.00. By doing this city-initiated, we are saving property owners that cost. The uses that will no longer be permitted in the district are grain elevators, general manufacturing, warehouse storage, and wholesale sales. Conditional uses no longer permitted would be a windfarm, utility plant, helipad, recycling collection and processing, salvage yard, impound yard, hospital, mobile home park or halfway house. None of the properties contains any of these uses. There is a potential that there is a warehouse storage or wholesale sales use. In that case, the owner would have the opportunity to opt out. The suggested district is C-3 Commercial Business. Staff feels C-3 is the most flexible district

that would allow all residential uses, as well as some commercial uses. It is also an appropriate buffer between the residential areas to the north and light industrial to the south. Current uses would be validated, protection from industrial uses moving into residential area, and C-3 is the most flexible use for future uses of the property for further development. Staff has identified a section in southeast Hastings that we would be looking at next. This is a motion to proceed, not a motion to initiate the rezone. We will have a 30-day outreach period before the rezoning process. We will notify property owners, give a 30-day comment period, answer any questions, address concerns and be certain all owners are comfortable with moving forward. Staff recommends approval of the motion to proceed, subject to the following conditions:

1. That a letter be sent by regular mail to the property owners of record included in the proposed action, which will include a description of the proposed action and an invitation to comment.
2. That a 30-day public comment period begin after the postmarked date of that letter.
3. That a media release is prepared and distributed to locate media outlets.
4. That no further action will be taken to rezone until the public comment period concludes and a summary report is delivered to you in June.

Jodi Graves asked about the potential conflict with the warehouse storage. How will the opting out be handled?

Don replied it would be based on what their current is and future use will be. First, that they go in as a non-conforming use, grandfathered in, and continue with the C-3 zoning as is. If their future use for the property will be more open, then discussion would be had about removing them from the rezone list which may lead to spot zoning.

Dave Ptak stated this a classic example of where Euclidian zoning can come to bite you. Normally, when it first started in Ohio in the early 1900's, they strip zoned properties. They zoned everything next to the railroad because railroad was king. They buffered the residential with a strip of commercial and then moved the residential further away from the railroad.

Chair Napier commended staff for being aggressive in this approach.

Moved by Dave Johnson, seconded by Lou Kully, to approve a Motion to initiate this process. Roll Call: Ayes: Keith Napier, Chuck Rosenberg, Dale Hamburger, Lou Kully, Dave Johnson, Gavin Raitt, Jodi Graves, Rakesh Srivastava. Nays: None. The motion carried.

Meeting adjourn at 4:12 p.m.



Chairman